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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,693	02/11/2000	James E. O'Toole	MI40-273	5536

21567 7590 07/01/2004  
WELLS ST. JOHN P.S.  
601 W. FIRST AVENUE, SUITE 1300  
SPOKANE, WA 99201

EXAMINER
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SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
2684	16

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/502,693

**Applicant(s)**

O'TOOLE ET AL.

**Examiner**

Philip J. Sobutka

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 253-287 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 253-287 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3.4.6-15</u> . | 6) <input type="checkbox"/> Other: ____  |

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 253-262, 276-287 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,249,185.

Consider claims 253, 276, 277, 283. Claim 1 of PN 6,249,185 teaches everything claimed except it requires coupling capacitors in the input and selective first resistances. It would have been obvious to one of ordinary skill in the art that if the input were properly matched, capacitors would be unnecessary and the exact resistance could be chosen for the application, therefore eliminating the need for the cost of the capacitors and selective resistance.

Claims 254-259 are rejected as corresponding to claims 2-7 of PN 6,249,185 as modified above.

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Consider claims 260,282,287. Claim 8 of PN 6,249,185 teaches the method claimed except it requires coupling capacitors in the input and selective resistances. It would have been obvious to one of ordinary skill in the art that if the input were properly matched the capacitors would be unnecessary and the exact resistance could be chosen for the application, therefore eliminating the need for the cost of the capacitors and selective resistance.

Claims 261 and 262 are rejected as corresponding to claims 9 of PN 6,249,185 as modified above.

Claims 277-281 and 284-286 are rejected as corresponding to claim 4 of PN 6,249,185 as modified above.

3. Claims 263 – 275 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,249,185 in view of Cheal et al (US 4,697,184).

Consider claims 263,273,274. Claim 1 of PN 6,249,185 teaches everything claimed except it requires coupling capacitors in the input and selective first resistances. It would have been obvious to one of ordinary skill in the art that if the input were properly matched the capacitors would be unnecessary and the exact resistance could be chosen for the application, therefore eliminating the need for the cost of the capacitors and selective resistance. Claim 1 of 6,249,185 also lacks a teaching of the differential amplifier being used in a receiver with a Schottky diode RF detector. Cheal teaches a receiver with a Schottky diode detector attached to the input of a differential amplifier. It would have been obvious to one of ordinary skill in the art to modify

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the amplifier of PN 6,249,185 to use in the receiver of Cheal in order to apply the circuitry to the field of radar detection.

Claims 264-269 and 274 are rejected as corresponding to claims 2-7 of PN 6,249,185 as modified in view of Cheal above.

Consider claim 270. Claim 8 of PN 6,249,185 teaches the method claimed except it requires coupling capacitors in the input and selective resistances. It would have been obvious to one of ordinary skill in the art that if the input were properly matched the capacitors would be unnecessary and the exact resistance could be chosen for the application, therefore eliminating the need for the cost of the capacitors and selective resistance. Claim 8 of 6,249,185 also lacks a teaching of the differential amplifier being used in a receiver with a Schottky diode RF detector. Cheal teaches a receiver with a Schottky diode detector attached to the input of a differential amplifier. It would have been obvious to one of ordinary skill in the art to modify the amplifier of PN 6,249,185 to use in the receiver of Cheal in order to apply the circuitry to the field of radar detection.

Claim 271 is rejected as corresponding to claim 9 of PN 6,249,185 as modified in view of Cheal above.

Consider claim 272. Claim 8 of PN 6,249,185 teaches the method claimed except it lacks a teaching of the differential amplifier being used in a receiver with a Schottky diode RF detector. Cheal teaches a receiver with a Schottky diode detector attached to the input of a differential amplifier. It would have been obvious to one of ordinary skill in the art to modify the amplifier of PN

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6,249,185 to use in the receiver of Cheal in order to apply the circuitry to the field of radar detection.

Claim 275 is rejected as corresponding to claim 4 of PN 6,249,185 as modified above.

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. Note that the parent of the present application, 09/152662, now patent number 6,249,185, while a divisional has a specification which was edited to reflect only the supporting matter for the claims, deleting all the extraneous information and figures relating the overall RFID system. It is suggested that the present specification and drawings be similarly edited to the receiver structure in order to make the application and any resulting patent more manageable.

### ***Drawings***

6. It is suggested the drawings be edited similarly to the specification as suggested above, to only reflect the subject matter claimed.

### ***Information Disclosure Statement***

7. Note that there was a transmittal form in the application, signed by D. Brent Kenady on June 28, 2002 for a supplemental IDS that did not have anything attached. If there should have been another IDS attached, it must be resubmitted.

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8. Please also ensure that the other twelve IDS statements include all IDS statements submitted to date.
9. The information disclosure statement filed February 20, 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs  
June 18, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**